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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Peter Lowes

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BLANK ROME LLP

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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,958	Applicant(s) LOWES ET AL.	
	Examiner JAMISUE A. PLUCINSKI	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060523</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. With respect to Claims 1-11: These claims are recited to be system claims, with no structural limitations. Furthermore, the claims positively recite the use of active steps. Therefore it is unclear to the examiner which statutory class the claims fall into, is it a system or a method that is intended to be recited.
4. Regarding claims 8 and 9, the phrase "inter alia" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "inter alia" or "amount other things"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because the claims are drawn to a system, however fails to recite any structural limitations of the system, but merely a system that is characterized by steps. System claims are considered to be an apparatus, which are held to the structural limitations of the system. However the claims do not recite any structure of the system, but rather disclose how the system functions.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 5, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Quackenbush et al. (US 2003/0100973).

9. With respect to Claims 1, 8, 9 and 10: Quackenbush discloses the use of a system which performs the steps:

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- a. Meeting with a passenger holding a flight reservation and ticket confirmation prior to a flight at a place remote from the airport to perform a pre-flight procedure (Paragraphs 0010 and 0027);
 - b. Confirming at the meeting the identify of the passenger using a photo ID (Paragraph 0028);
 - c. Confirming details of the passengers ticket confirmation (Paragraph 0028);
 - d. Pursuing all required document and security profiling procedures (See Paragraph 0028);
 - e. Collecting all items of luggage (Paragraph 0029);
 - f. Issuing a preliminary boarding pass (Figure 5C, shows that a paper ticket will be mailed to the user, the examiner considers this to be a preliminary boarding pass, due to the fact that it is used to obtain a permanent boarding pass, either by the normal check-in procedures, or by the passenger going directly to the gate);
 - g. Providing the passenger with a receipt for items of luggage collected (Paragraph 0030); and
 - h. Transporting the luggage in a secure manner to the airport of departure, for further checking prior to loading onto the aircraft (Paragraph 0031).
10. With respect to Claim 5: See Paragraph 0029.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al.

14. With respect to Claims 2 and 3: Quackenbush discloses the use of checking ID, however fails to disclose the ID is a government issued ID, such as a passport or a driver's license.

Official Notice is taken that it is old and well known in the art, that an ID used in the verification for air travel must be a government issued ID, such as a driver's license or a passport. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the ID of Quackenbush that is checked when collecting baggage, to be a government issued ID such as a passport, or a driver's license. One would have been motivated

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to have the ID be government issued such as a passport or a driver's license, for security reasons, so that the ID cannot be faked, for security reasons.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. in view of Koresec (US 2003/0056113).

16. With respect to Claim 4: Quackenbush discloses the user purchasing a ticket, however fails to disclose the use of an address check being done before the meeting for the pre-flight procedure. Koresec discloses the use of an address check being done when a user makes a purchase for modes of transportation such as a flight (See Paragraphs 0032 and 0033). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Quackenbush, to include the address check of Koresec, for security reasons (See Abstract and Pages 1-2).

17. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. in view of DeBrouse (5,920,053).

18. With respect to Claim 6: Quackenbush discloses the use of a luggage tag with personal information, however fails to disclose the use of the luggage tag, being a passenger verification tag. DeBrouse, discloses the use of a luggage tag, which is also a passenger verification tag, with information such as name, flight info, and a picture (See Figure 5 with corresponding detailed description). It should be noted that the specific type of information that is in the tag, such as signature is considered to be non-functional data. The signature is not used further in any steps in the system, therefore all remaining steps would be performed the same, regardless of

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what type of information is contained in the tag. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Quackenbush, to include the passenger verification tags, as disclosed by DeBrouse, in order to provide a tag with passenger identification as well as baggage identification for ease of inspection. (See DeBrouse, Columns 3 and 4).

19. With respect to Claim 7: See DeBrouse, Column 6, lines 10-26.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ananda (US 2004/0199403), Panek (US 2003/0120510), Schoen et al. (US 2004/0111279) and Bravman et al. (5,866,888) disclose the use of systems and methods of shipping baggage separately, Calvesio et al. (US 2004/0078335) discloses the use of a pre-flight check in procedure, and Johnson (Airports, article) discloses the use of a remote baggage service called CAPS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629